

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1741 Session of 2021

INTRODUCED BY KEEFER, COX, RYAN, KAUFFMAN, HERSHEY, BERNSTINE, ZIMMERMAN, ROWE, JONES, TWARDZIK, RAPP, BOROWICZ, DIAMOND, GREINER, GILLEN, MALONEY AND HAMM, JULY 30, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 14, 2022

AN ACT

1 Providing for prescribing and dispensing drugs approved by the
2 United States Food and Drug Administration for off-label use
3 to treat coronavirus infections causing respiratory-syndrome-
4 related illnesses.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Coronavirus
9 Infection Medication Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Coronavirus." Any of the various RNA-containing spherical
15 viruses of the family coronaviridae.

16 "Dispense." The preparation of a prescription or
17 nonprescription drug in a suitable container appropriately
18 labeled for subsequent administration to or use by a patient or

1 other individual authorized to receive the drug.

2 "Informed consent." The consent of a patient to receive and  
3 take a therapeutic drug as provided under this act.

4 "Licensing board or commission." An administrative board or  
5 commission under the Bureau of ~~Occupational and Professional~~ <--  
6 PROFESSIONAL AND OCCUPATIONAL Affairs in the Department of  
7 State.

8 "OFF-LABEL USE." THE USE OF A THERAPEUTIC DRUG FOR A <--  
9 TREATMENT OTHER THAN A TREATMENT SPECIFIED IN THE LABELING  
10 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

11 "Pharmacist." As defined in section 2(10) of the act of  
12 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy  
13 Act.

14 "Prescriber." A person who is licensed, registered or  
15 otherwise lawfully authorized to prescribe a controlled  
16 substance or any other drug or device in the course of  
17 professional practice or research in this Commonwealth.  
18 Section 3. Drugs for off-label use to treat coronavirus  
19 infections causing respiratory-syndrome-related  
20 illnesses.

21 (a) Authorization.--~~A~~ IF A PRESCRIBER DETERMINES THAT THE <--  
22 PRESCRIBING OF A THERAPEUTIC DRUG FOR OFF-LABEL USE IS IN THE  
23 BEST INTEREST OF A PATIENT FOR THE TREATMENT OF CORONAVIRUS DUE  
24 TO THE PATIENT'S INDIVIDUAL MEDICAL CONDITION, THE prescriber  
25 may prescribe, and a pharmacist may dispense, in accordance with  
26 a prescription drug order and with the informed consent of ~~a~~ THE <--  
27 patient, a therapeutic drug approved by the United States Food  
28 and Drug Administration for off-label use to the patient for  
29 prophylaxis or for at-home, early-stage outpatient or hospital  
30 inpatient treatment of coronavirus infections causing

1 respiratory-syndrome-related illnesses.

2 ~~(b) Exposure not required. A patient's suspected exposure~~ <--  
3 ~~to coronavirus infections causing respiratory syndrome related~~  
4 ~~illnesses shall not be required for a prescriber to prescribe,~~  
5 ~~and a pharmacist to dispense, a drug to the patient for~~  
6 ~~prophylaxis as authorized under subsection (a).~~

7 ~~(c) Screening not required. A patient's positive screening~~  
8 ~~results test shall not be required for a prescriber to~~  
9 ~~prescribe, and a pharmacist to dispense, a drug to the patient~~  
10 ~~for at home, early stage outpatient treatment as authorized~~  
11 ~~under subsection (a).~~

12 (B) SCREENINGS AND EXPOSURE.--A PATIENT SHALL NOT BE <--  
13 REQUIRED TO SHOW A POSITIVE SCREENING RESULTS TEST OR HAVE A  
14 SUSPECTED EXPOSURE TO CORONAVIRUS FOR A PRESCRIBER TO PRESCRIBE,  
15 AND A PHARMACIST TO DISPENSE, A THERAPEUTIC DRUG FOR OFF-LABEL  
16 USE TO THE PATIENT FOR TREATMENT OF CORONAVIRUS INFECTIONS AS  
17 AUTHORIZED UNDER SUBSECTION (A).

18 Section 4. Administrative or disciplinary actions.

19 An action taken by a prescriber or pharmacist in accordance  
20 with section 3 shall not be considered unlawful, unethical,  
21 unauthorized or unprofessional conduct by a licensing board or  
22 commission. A licensing board or commission may not take an  
23 administrative or disciplinary action against a prescriber or  
24 pharmacist for an action taken in accordance with section 3  
25 absent a showing of recklessness or gross negligence.

26 Section 5. Effective date.

27 This act shall take effect immediately.